

IN RE: PETITION FOR SPECIAL HEARING
Cor. SW/S Philadelphia Road,
SW/S Ridge Road
8770 Philadelphia Road
14th Election District
7th Councilmanic District
Lorraine Volz, Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-162-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 8770 Philadelphia Road in eastern Baltimore County. The Petition is filed by Lorraine Volz, property owner. Special Hearing relief is requested to approve, as a nonconforming use, the use of the property as a contractor's equipment storage yard so that said property can be used as a horticultural nursery not in violation of Sections 101, 102.1 and 1B01.1.A of the Baltimore County Zoning Regulations (BCZR).

Appearing at the requisite public hearing held for this case was Lorraine Volz, property owner. Also appearing in support of the Petition was John Volz, the Petitioner's son. Others appearing in support of the Petition were Roy Shifflett and Howard Connors. The Petitioner was represented by Leslie M. Pittler, Esquire. There were no Protestants or other interested persons present.

The uncontradicted testimony and evidence presented was that the subject property is approximately 4.0176 acres in area zoned D.R.5.5. The property is located adjacent to the intersection of Philadelphia Road and Ridge Road. Apparently, the subject property is part of a larger tract which was acquired by the Volz family many years ago. Henry M. Volz, the deceased husband of Lorraine Volz and father of John Volz, acquired the property on April 4, 1938. A deed from the Land Records of Baltimore County evidencing his acquisition at that time was submitted into the record. Subsequently, Mr. Volz transferred the property from himself,

ORDER RECEIVED FOR FILING

Date

By

solely, to he and his wife, jointly, on December 18, 1992. The property is presently owned by Mrs. Volz, following the death of her husband. Additional testimony and evidence offered is that the property has been used to store contractor's equipment since Mr. Volz acquired same in 1938. In this regard, John, his son, testified that he helped his father and the business as a child and has been involved with same ever since that time. The younger Mr. Volz was born in 1940 and is now 55 years of age. He described the business as a part time vocation which operates as a nursery selling plants, trees and other nursery stock. Additionally, the business sells top soil, sand, mulch and other items accessory to the nursery operation. Mr. Volz indicates that the business is a part time occupation, however, has continued uninterruptedly from this property since 1938. As part of the business, Mr. Volz utilizes front end loaders, tractors and other contractors equipment.

Mr. Volz's testimony was corroborated by Mr. Shifflett and Mr. Conners. Mr. Shifflett is a long time member of the VFW Hall which is located across the street. He has been familiar with the property since 1952 and testified that same has been utilized to store contractor's equipment since the early 1950s.

Mr. Howard Conners lives approximately one block away and has resided on his property for 70 years. He corroborated the testimony of Mr. Volz and Mr. Shifflett and confirmed that the property has been used in the manner described above since the 1930s. Both independent witnesses also confirmed that the use has not been abandoned or discontinued over the years and has not expanded. To the contrary, the Volz's original holdings have been reduced over the years as parts of the original tract were sold.

A nonconforming use is defined in Section 101 of the BCZR and regulated in Section 104 thereof. A nonconforming use designation can be uti-


lized to grandfather an otherwise existing use. Essentially, a nonconforming use designation allows a use which is now prohibited by the BCZR. The Petitioner must prove that the use existed prior to the prohibiting statute and that same has continued on a non-interrupted or unabandoned basis since the enactment of the prohibiting legislation.

The testimony and evidence presented by the Petitioner in this case is uncontradicted and easily satisfies the test. The evidence presented is conclusive that the property has been utilized in its current fashion since well prior to 1945, the date the first set of zoning regulations were adopted in Baltimore County. Thus, for these reasons, the Petition for Special Hearing shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 5th day of December, 1995 that, pursuant to the Petition for Special Hearing, approval for the use of the property as a contractor's equipment storage yard so that said property can be used as a horticultural nursery not in violation of Sections 101, 102.1 and 1B01.1.A of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED, subject, however, to the following restriction.

1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

158



Petition for Special Hearing

96-162-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 8770 Philadelphia Road, 21237

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

The above said property, as a non-confirming use, in order that the property not be in violation of sections 101, 102.1, 1B01.1A, so that the owner may have contractor's equipment stored on the property and can be used as a horticultural nursery.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Leslie M. Pittler, Esquire

(Type or Print Name)

Signature

29 W. Susquehanna Ave., Ste. 610

Address

Phone No.

Towson, Md.

City

State

823-4455

Zipcode

Legal Owner(s)

Lorraine Volz

(Type or Print Name)

Signature

(Type or Print Name)

Signature

8770 Philadelphia Road

Address

Phone No.

Baltimore, Md. 21237

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 hr

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: WJL

DATE

10/12/85



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-162521

District: 14th

Date of Posting: 11/10/05

Posted for: Special Hearing

Petitioner: Horvitz 1012

Location of property: 8770 Phil. Rd, NWIS

Location of Signer: Facing road way on property being zoned

Remarks: _____

Posted by: _____

Signature

Date of return: 11/17/05

Number of Signs: 1

11/10/05 11:00 AM

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #86-182-SPH

(Item 15)
8770 Philadelphia Road
corner NW/8 Philadelphia
Road, BWB Bridge Road,
14th Council District
7th Councilmanic
Legal Owner(s):

Lorraine Voss
Hearing: Tuesday, November
28, 1986 at 11:00 a.m. in Rm.
118, Old Courthouse.

Special Hearing: to approve
as a nonconforming use so
that the owner may have con-
tractor's equipment stored on
the property and can be used
as a horticultural nursery.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped. Accessible for
special accommodations.
Please Call 887-3353.

(2) or information concern-
ing the file and/or Hearing,
Please Call 887-3391.

61443711082, Nov. 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11/3, 19 95

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 11/2, 19 94.

THE JEFFERSONIAN,

A. H. Erickson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

96-162-SPH

DATE 10/12/95

ACCOUNT 31-615

Item 158
Bx. 225K

AMOUNT \$ 285.00

NOTE - 8776 10/12/95
Rch

RECEIVED
FROM:

1. 1000. Hc - \$ 250.00
2. 1 sign - \$ 35.00
\$ 285.00

FOR:

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 158 Petitioner: Lorraine Volz

Location: 8770 Philadelphia Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Leslie M. Pittler, Esquire

ADDRESS: 29 W. Susquehanna Ave, Ste 610

Towson, MD 21204

PHONE NUMBER: 823-4455





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 27, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-162-SPH (Item 158)
8770 Philadelphia Road
corner NW/S Philadelphia Road, SW/S Ridge Road
14th Election District - 7th Councilmanic
Legal Owner: Lorraine Volz

Special Hearing to approve as a non-conforming use so that the owner may have contractor's equipment stored on the property and can be used as a horticultural nursery.

HEARING: TUESDAY, NOVEMBER 28, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Lorraine Volz
Leslie M. Pittler, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 21, 1995

Leslie M. Pittler, Esquire
29 West Susquehanna Ave., Suite 610
Towson, Maryland 21204

RE: Item No.: 158
Case No.: 96-162-SPH
Petitioner: L. Volz

Dear Mr. Pittler:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 16, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Oct. 30, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for October 30, 1995
Item 158

The Development Plans Review Division has reviewed the subject zoning item. Adequate onsite parking shall be provided.

This office recommends that the Hearing Officer require a landscape buffer for the adjacent public roads and any adjacent residential uses.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/11/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 30, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 152, 156, 157, 158,
159 & 160. ✓

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-23-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 158 (MJK)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,


for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: October 23, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 133, 157, 158, 159, and 160

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W Long

Division Chief:

Sam L. Kerns

PK/JL

PETITION PROBLEMS

#152 --- MJK

1. Folder says zoning is M.L.-A.S. & B.R.-A.S.; petition wording says B.R.-C.S.-1 & M.L.-I.M. -- Which is correct??
2. No telephone numbers for legal owners.

#155 --- MJK

1. Need title of person signing for legal owner, as well as authorization for this person to sign.

#158 --- MJK

1. No telephone number for legal owner.
2. See planner's memo to hearing officer (no descriptions, plan is illegible).

#159 --- MJK

1. No telephone number for legal owner.

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: October 13, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, PDM

SUBJECT: Item #158
8770 Philadelphia Road

This petition was filed "as is" by the request of the attorney. This **does**
not meet the filing checklist in the zoning office.

Any questions, let me know.

MJK:scj

RE: PETITION FOR SPECIAL HEARING
8770 Philadelphia Road, Corner NW/S
Philadelphia Road, SW/S Ridge Road
14th Election District, 7th Councilmanic

Lorraine Volz
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-162-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

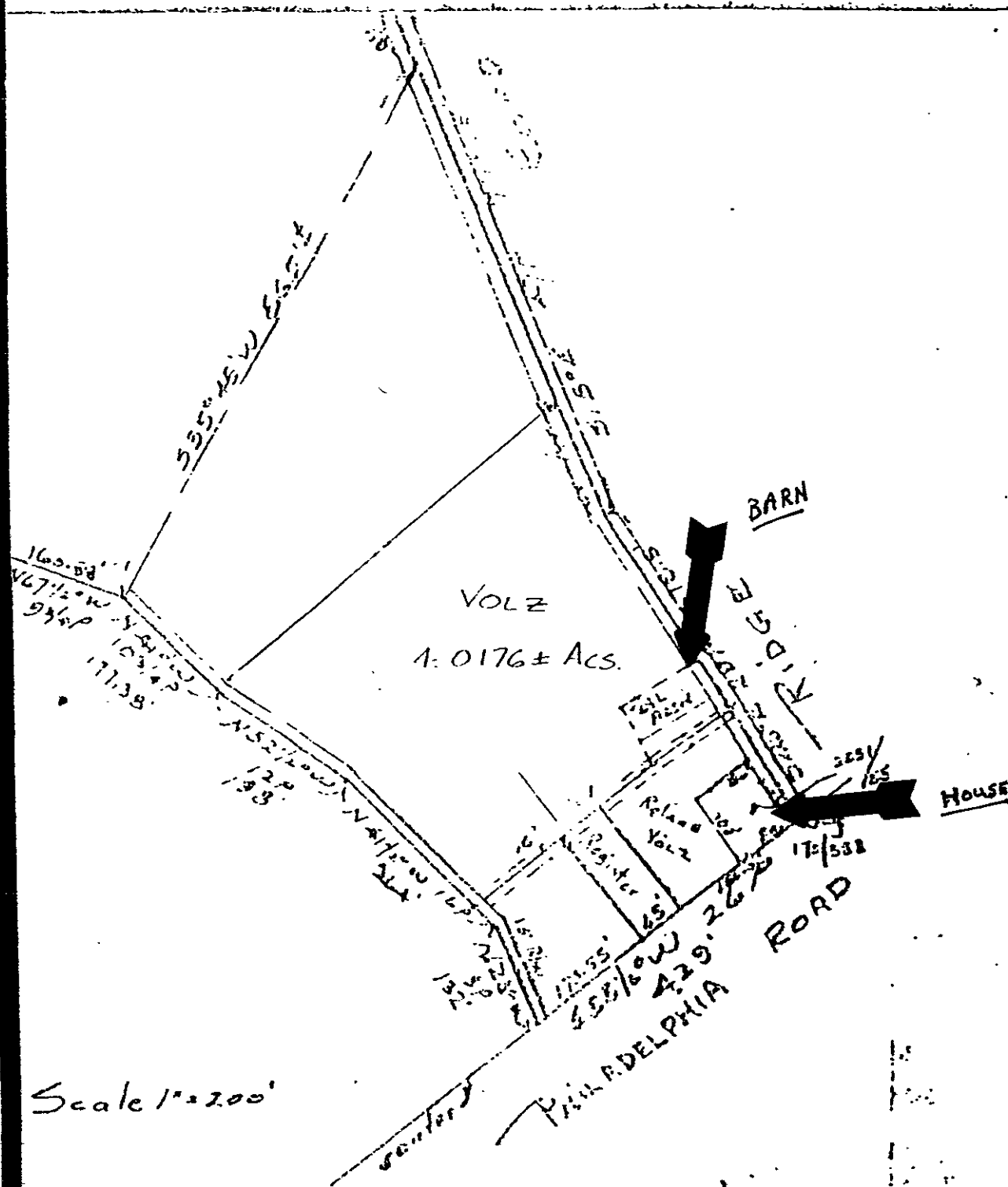
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esquire, 29 W. Susquehanna Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

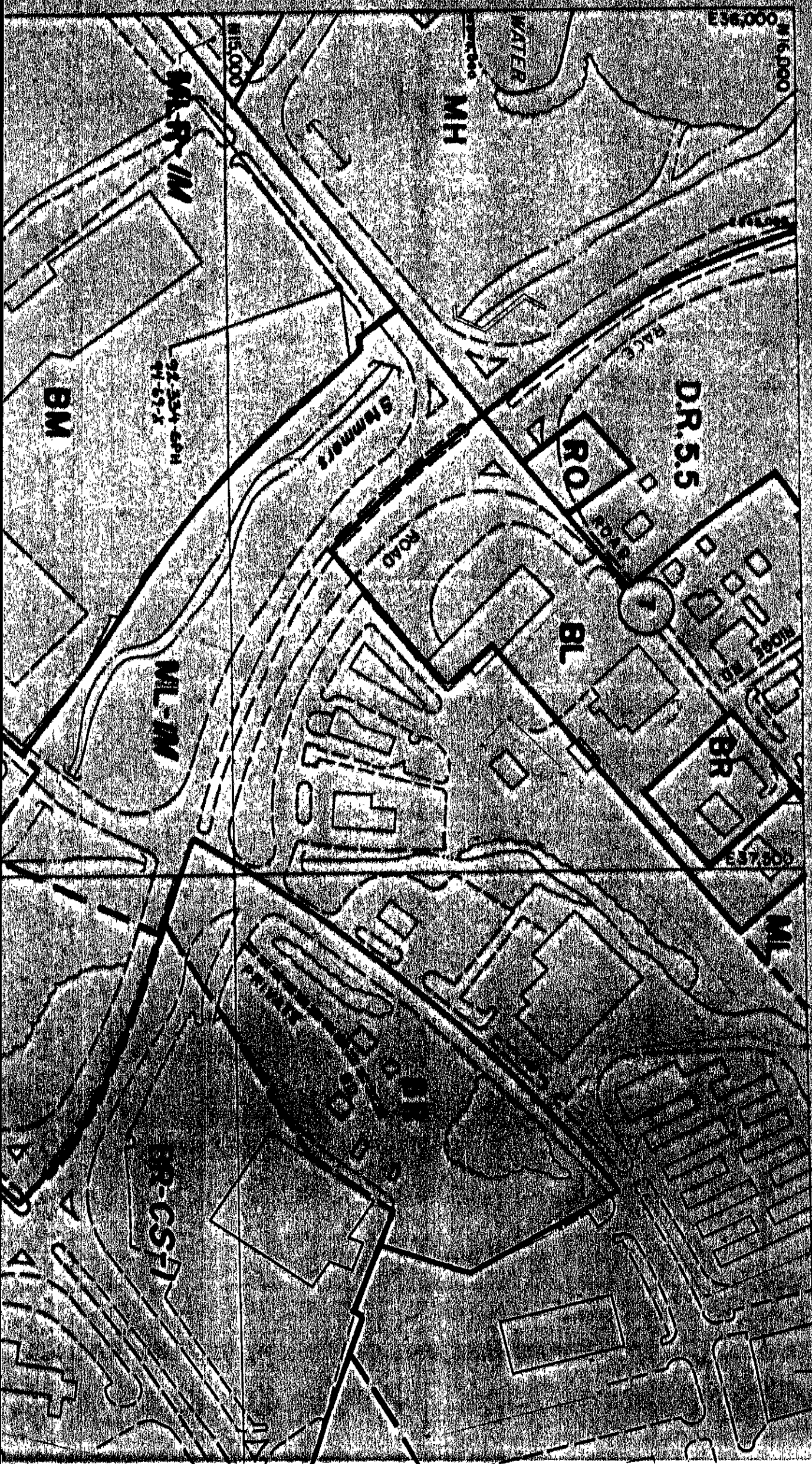
PETER MAX ZIMMERMAN

10-11-95



Plat Map

158



96-162-5 P4

#158

THIS DEED made this 4th day of April, in the year Nineteen hundred and thirty-eight, by ROLAND J.L.VOLZ, of the first part, Grantor, and HENRY M. VOLZ of the second part, Grantee, both of Baltimore County in the State of Maryland.

WHEREAS by the last Will and Testament of John C. Volz, late of Baltimore County deceased, duly admitted to probate by the Orphans Court of Baltimore County, the land and premises hereinafter described being a part of that devised by the said John C. Volz to the said Roland J.L.Volz and Henry M. Volz as tenants in common; and whereas the parties hereto desire to divide the same so that each may hold his portion in severalty, these presents are executed.

THEREFORE THIS DEED WITNESSETH, that in consideration of the sum of Five Dollars and the execution of a deed by the said Henry M. Volz of his undivided interest in and to the rest of the said land, the said Roland J.L.Volz, single, does hereby grant and convey unto the said Henry M. Volz his heirs and assigns, subject to a life estate in and to said property reserved unto their mother Amelia H.R.Volz by the said last Will and Testament of the said John C. Volz all of that land which by the said last Will and Testament of John C. Volz deceased, was devised unto the said Roland J.L.Volz and Henry Volz as tenants in common; saving and excepting that portion of the same which by deed of even date herewith was conveyed by the said Henry M. Volz and wife to the said Roland J.L.Volz as his portion of the whole.

TOGETHER with the buildings and improvements thereon, and all and every the rights, ways, waters, privileges and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said land and premises hereby granted unto the said Henry M. Volz his heirs and assigns forever in fee simple; subject however to the life estate in the said Amelia H.R.Volz hereinbefore mentioned.

AND the said Roland J.L.Volz does hereby covenant that he will

warrant specially the land and premises hereby granted, and that he will execute such further assurances of the same as may be requisite.

AS WITNESS the hand and seal of the said Grantor.

TEST:

Henry J. Hoffmeister *Roland J. Volz* (SEAL)

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:-----

I hereby certify that on this 4th day of April in the year Nineteen hundred and thirty-eight, before the subscriber a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared Roland J.L.Volz and he acknowledged the foregoing to be his act and deed.

WITNESS my hand and Notarial seal.

Henry J. Hoffmeister
Notary Public.

TRANSFERRED

8/6 Date April 18-38

For advc

CLERK

100382 DEED

ROLAND J. L. VOLZ

to

HENRY M. VOLZ

Amelia J. R. Volz

14th District

Received for Record
April 1938

Same day recorded in Liber
C. J. H. 1027 folio 368

O. C. H. 1027 folio 368

Records of
Harris County and State

Wm. H. Brown

Clerk.

4

TRANSFER TAX NOT REQUIRED

1-16-73
Walter R. Richardson

Director of Finance

Per:

Murray J. Neuman
Authorized Signature
Res. 6 Series A**This Deed,** Made this 18th day of December,

in the year one thousand nine hundred and seventy-two, by and between HENRY M. VOLZ,

of Baltimore County, in the State of Maryland - - -, of the first part, and hereinafter referred to as Grantors, and HENRY M. VOLZ and H. LORPAINE VOLZ, his wife, of said County and State, - - - - - of the second part, and hereinafter referred to as Grantees.

Witnesseth, that in consideration of the sum of one dollar, the receipt whereof is hereby acknowledged, - - - - -

the said Grantor - - - - -

do es hereby grant and convey unto the said Grantees, as tenants by the entireties, their assigns, and to the survivor of them and his or her - - -

heirs and assigns, - - - - -

in fee simple, all that - - - - - lot(s) of ground, situate, lying and being in the Fourteenth Election District of Baltimore County - - - - -

- - - - - , State of Maryland, and described as follows, that is to say:—

Beginning for the x

All that land which was devised by the Last Will and Testament of John C. Volz, which is of record in the Office of the Register of Wills for Baltimore County in Wills Liber J.P.C. No. 33, folio 499, to Roland J. L. Volz and Henry M. Volz, subject to a life estate in favor of Amelia H. R. Volz (since deceased). See also Deed from Roland J. L. Volz to Henry M. Volz dated April 4, 1938 and recorded among the Land Records of Baltimore County in Liber C.W.B.Jr. No. 1027, folio 268.

SAVING AND EXCEPTING therefrom so much thereof as was conveyed by Henry M. Volz to Roland J. L. Volz by Deed dated April 4, 1938 and recorded among said Land Records in Liber C.W.B.Jr. No. 1027, folio 269.

AND ALSO SAVING AND EXCEPTING therefrom the land described in the following instruments:

Deed from Henry M. Volz and Lorraine Volz, his wife to Nicholas J. Regester and wife dated November 29, 1941 and recorded among said Land Records in Liber C.H.K. No. 1198, folio 251.

Deed from Henry M. Volz and H. Lorraine Volz, his wife to Golden Ring Permanent Land and Loan Association of Baltimore County dated October 24, 1960 and recorded among said Land Records in Liber W.J.R. No. 3771, folio 418.

Deed from Henry M. Volz and Lorraine Volz, his wife to Volz, Investment Corporation dated October 23, 1962 and recorded among said Land Records in Liber W.J.R. No. 4064, folio 58; as corrected by Confirmatory Deed dated December 23, 1962 and recorded among said Land Records in Liber R.R.G. No. 4122, folio 90.

Deed from Henry M. Volz and H. Lorraine Volz, his wife to Golden Ring Permanent Land and Loan Association of Baltimore County dated March 30, 1963 and recorded among said Land Records in Liber R.R.G. No. 4131, folio 389.

Deed from Henry M. Volz and H. Lorraine Volz, his wife to John A. Smith and Anna M. Smith, his wife dated December 9, 1963 and recorded among said Land Records in Liber R.R.G. No. 4250, folio 607.

Inquisition, Baltimore County, Maryland vs. Henry M. Volz, dated January 5, 1972 and recorded among said Land Records in Liber O.T.G. No. 5242, folio 592.

AND ALSO SAVING AND EXCEPTING therefrom a portion of the land conveyed by Henry M. Volz to Frederick F. Volz by Deed dated August 28, 1972 and recorded among said Land Records in Liber E.H.K. No. 5301, folio 291. See also Confirmatory Deed recorded or intended to be recorded prior hereto.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

with
AND TOGETHER, and subject to, rights with respect to a private road as set forth in an Agreement between Henry M. Volz and Roland J. L. Volz et al. dated July 18, 1949 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1767, folio 487.

Together with the building and improvements thereon and all and every the rights, ways, waters, privileges, appurtenances, and advantages to the same belonging or in anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Grantees, as tenants by the entireties, their assigns, and to the survivor of them and his or her - - - - -
 - - - - - heirs and assigns, - - - - -
 - - - - - in fee simple.

And the said party of the first part hereby covenant that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property granted and that he will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor

TEST:

Daniel S. Sullivan, Jr.
 DANIEL S. SULLIVAN, JR.

Henry M. Volz [SEAL]
 HENRY M. VOLZ
 [SEAL]

0501*** 2 5877C 17-73 NV
 0501*** 2 5877C 17-73 NV

State of Maryland, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this 18th day of December, 1972, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared HENRY M. VOLZ, the above-named Grantor, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Daniel S. Sullivan, Jr.
 Notary Public

My Commission expires record JAN 17 1973 at BALTIMORE, MD.

Per Elmer H. Kahline, Jr., Clerk

Mail to

Receipt No. 10.50

✓
Exemption of
the stamps
no transfer Tax

610 ②

② 14-D

DEED

FROM

HENRY M. VOLZ.....

TRANSFERRED
1-16-13
TO
J.E.K.

HENRY M. VOLZ and

H. LORRAINE VOLZ, his wife

BLOCK NO.

Received for Record, 19.....,

at o'clock M. Same day recorded

in Liber No. Folio &c.,

one of the Land Record of

....., and examined per

....., Clerk.

Cost of Record, \$.....

DANIEL S. SULLIVAN, JR.

ATTORNEY AT LAW

405 C E COURT BALTIMORE, MD. 18

REGISTERED BALTIMORE, MARYLAND

RECEIVED & RECORDED
IN Land RECORDS
CIRCUIT COURT FOR
BALTO. CO

73 JAN 17 AM 9 20

INDEXED 5329
FILED 610
BALTIMORE, MD.

1650

IN RE: PETITION FOR SPECIAL HEARING
Cor. SW/S Philadelphia Road,
SW/S Ridge Road
8770 Philadelphia Road
14th Election District
7th Councilmanic District
Lorraine Volz, Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-162-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 8770 Philadelphia Road in eastern Baltimore County. The Petition is filed by Lorraine Volz, property owner. Special Hearing relief is requested to approve, as a nonconforming use, the use of the property as a contractor's equipment storage yard so that said property can be used as a horticultural nursery not in violation of Sections 101, 102.1 and 1801.1.A of the Baltimore County Zoning Regulations (BCZR).

Appearing at the requisite public hearing held for this case was Lorraine Volz, property owner. Also appearing in support of the Petition were John Volz, the Petitioner's son. Others appearing in support of the Petition were Roy Shifflett and Howard Connors. The Petitioner was represented by Leslie M. Pittler, Esquire. There were no Protestants or other interested persons present.

The uncontradicted testimony and evidence presented was that the subject property is approximately 4.0176 acres in area zoned D.R.5.5. The property is located adjacent to the intersection of Philadelphia Road and Ridge Road. Apparently, the subject property is part of a larger tract which was acquired by the Volz family many years ago. Henry M. Volz, the deceased husband of Lorraine Volz and father of John Volz, acquired the property on April 4, 1938. A deed from the Land Records of Baltimore County evidencing his acquisition at that time was submitted into the record. Subsequently, Mr. Volz transferred the property from himself,

solely, to he and his wife, jointly, on December 18, 1992. The property is presently owned by Mrs. Volz, following the death of her husband. Additional testimony and evidence offered is that the property has been used to store contractor's equipment since Mr. Volz acquired same in 1938. In this regard, John, his son, testified that he helped his father and the business as a child and has been involved with same ever since that time.

The younger Mr. Volz was born in 1940 and is now 55 years of age. He described the business as a part time vocation which operates as a nursery selling plants, trees and other nursery stock. Additionally, the business sells top soil, sand, mulch and other items accessory to the nursery operation. Mr. Volz indicates that the business is a part time occupation, however, has continued uninterrupted from this property since 1938. As part of the business, Mr. Volz utilizes front end loaders, tractors and other contractors equipment.

Mr. Volz's testimony was corroborated by Mr. Shifflett and Mr. Connors. Mr. Shifflett is a long time member of the VFW Hall which is located across the street. He has been familiar with the property since 1952 and testified that same has been utilized to store contractor's equipment since the early 1950s.

Mr. Howard Connors lives approximately one block away and has resided on his property for 70 years. He corroborated the testimony of Mr. Volz and Mr. Shifflett and confirmed that the property has been used in the manner described above since the 1930s. Both independent witnesses also confirmed that the use has not been abandoned or discontinued over the years and has not expanded. To the contrary, the Volz's original holdings have been reduced over the years as parts of the original tract were sold.

A nonconforming use is defined in Section 101 of the BCZR and regulated in Section 104 thereof. A nonconforming use designation can be utilized

ized to grandfather an otherwise existing use. Essentially, a nonconforming use designation allows a use which is now prohibited by the BCZR. The Petitioner must prove that the use existed prior to the prohibiting statute and that same has continued on a non-interrupted or unabandoned basis since the enactment of the prohibiting legislation.

The testimony and evidence presented by the Petitioner in this case is uncontradicted and easily satisfies the test. The evidence presented is conclusive that the property has been utilized in its current fashion since well prior to 1945, the date the first set of zoning regulations were adopted in Baltimore County. Thus, for these reasons, the Petition for Special Hearing shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

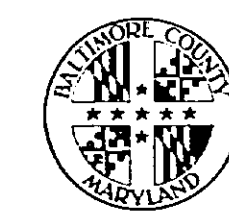
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 5th day of December, 1995 that, pursuant to the Petition for Special Hearing, approval for the use of the property as a contractor's equipment storage yard so that said property can be used as a horticultural nursery not in violation of Sections 101, 102.1 and 1801.1.A of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED, subject, however, to the following restriction.

1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmu

- 3 -



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 8770 Philadelphia Road, 21237
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve.

The above said property, as a non-conforming use, in order that the property not be in violation of sections 101, 102.1, 1801.1A, so that the owner may have contractor's equipment stored on the property and can be used as a horticultural nursery.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee	Legal Owner(s)			
(Type or Print Name)	Lorraine Volz			
Signature	<i>Lorraine Volz</i>			
Address	(Type or Print Name)			
City	State	Zip Code		
8770 Philadelphia Road	Baltimore, Md.	21237		
Attorney for Petitioner	Leslie M. Pittler, Esquire	City	State	Zip Code
29 W. Susquehanna Ave., Ste. 610	Towson, Md.	21204	823-4455	
ESTIMATED LENGTH OF HEARING	Available for Hearing	Next Two Months		
ALL	OTHER	DATE	11/12/95	

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 14th Date of Posting: 11/12/95
Posted for: Special Hearing
Petitioner: Lorraine Volz
Location of property: 8770 Phila. Rd., N.B.
Location of Sign: Facing roadway on property being zoned
Remarks: None
Posted by: Michelle Signature Date of return: 11/15/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11/3, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/2, 1994.

THE JEFFERSONIAN,
A. Hennehan
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 002390
DATE 11/12/95 ACCOUNT 96-162-SPH
Item: 158
By: MM AMOUNT \$ 255.00
RECEIVED FROM: Leslie M. Pittler - Volz - 8770 Philadelphia Rd.
CASH - Spec. Hr. - \$ 250.00
CASH - 1 sign post - \$ 5.00
FOR: \$ 255.00
CHECK # 100110000 \$295.00
RA CODE: 100018-12-95
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 158 Petitioner: Lorraine Volz
Location: 8770 Philadelphia Road
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Leslie M. Pittler, Esquire
ADDRESS: 29 W. Susquehanna Ave., Ste 610
Towson, MD 21204
PHONE NUMBER: 823-4455



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 27, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-162-SPH (Item 158)
8770 Philadelphia Road
corner W/S Philadelphia Road, SW/S Ridge Road
14th Election District - 7th Councilmanic
Legal Owner: Lorraine Volz

Special Hearing to approve as a non-conforming use so that the owner may have contractor's equipment stored on the property and can be used as a horticultural nursery.

HEARING: TUESDAY, NOVEMBER 28, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Lorraine Volz
Leslie M. Pittler, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3351.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 21, 1995

Leslie M. Pittler, Esquire
29 West Susquehanna Ave., Suite 610
Towson, Maryland 21204

RE: Item No.: 158
Case No.: 96-162-SPH
Petitioner: L. Volz

Dear Mr. Pittler:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 16, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

M. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Oct. 30, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division
RE: Zoning Advisory Committee Meeting
for October 30, 1995
Item 158

The Development Plans Review Division has reviewed the subject zoning item. Adequate onsite parking shall be provided.

This office recommends that the Hearing Officer require a landscape buffer for the adjacent public roads and any adjacent residential uses.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/11/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 30, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 152, 156, 157, 158,
159 & 160.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-23-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 158 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 23, 1995
Permits and Development
Management

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 133, 157, 158, 159, and 160

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Samuel K. Kern*

PK/JL

ITEM133/PZONE/ZAC1

PETITION PROBLEMS

#152 — MJK

1. Folder says zoning is M.L.-A.S. & B.R.-A.S.; petition wording says B.R.-C.S.-1 & M.L.-I.M. — Which is correct??
2. No telephone numbers for legal owners.

#155 — MJK

1. Need title of person signing for legal owner, as well as authorization for this person to sign.

#158 — MJK

1. No telephone number for legal owner.
2. See planner's memo to hearing officer (no descriptions, plan is illegible).

#159 — MJK

1. No telephone number for legal owner.

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: October 13, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, PDM

SUBJECT: Item #158
8770 Philadelphia Road

This petition was filed "as is" by the request of the attorney. This does not meet the filing checklist in the zoning office.

Any questions, let me know.

MJK:scj

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
8770 Philadelphia Road, Corner NW/S * ZONING COMMISSIONER
Philadelphia Road, SW/S Ridge Road *
14th Election District, 7th Councilmanic * OF BALTIMORE COUNTY
Lorraine Volz * CASE NO. 96-162-SPH
Petitioner *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carol S. Denilio
CAROLE S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esquire, 29 W. Susquehanna Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

THIS DEED made this 4th day of April, in the year Nineteen hundred and thirty-eight, by ROLAND J.L.VOLZ, of the first part, Grantor, and HENRY M. VOLZ of the second part, Grantee, both of Baltimore County in the State of Maryland.

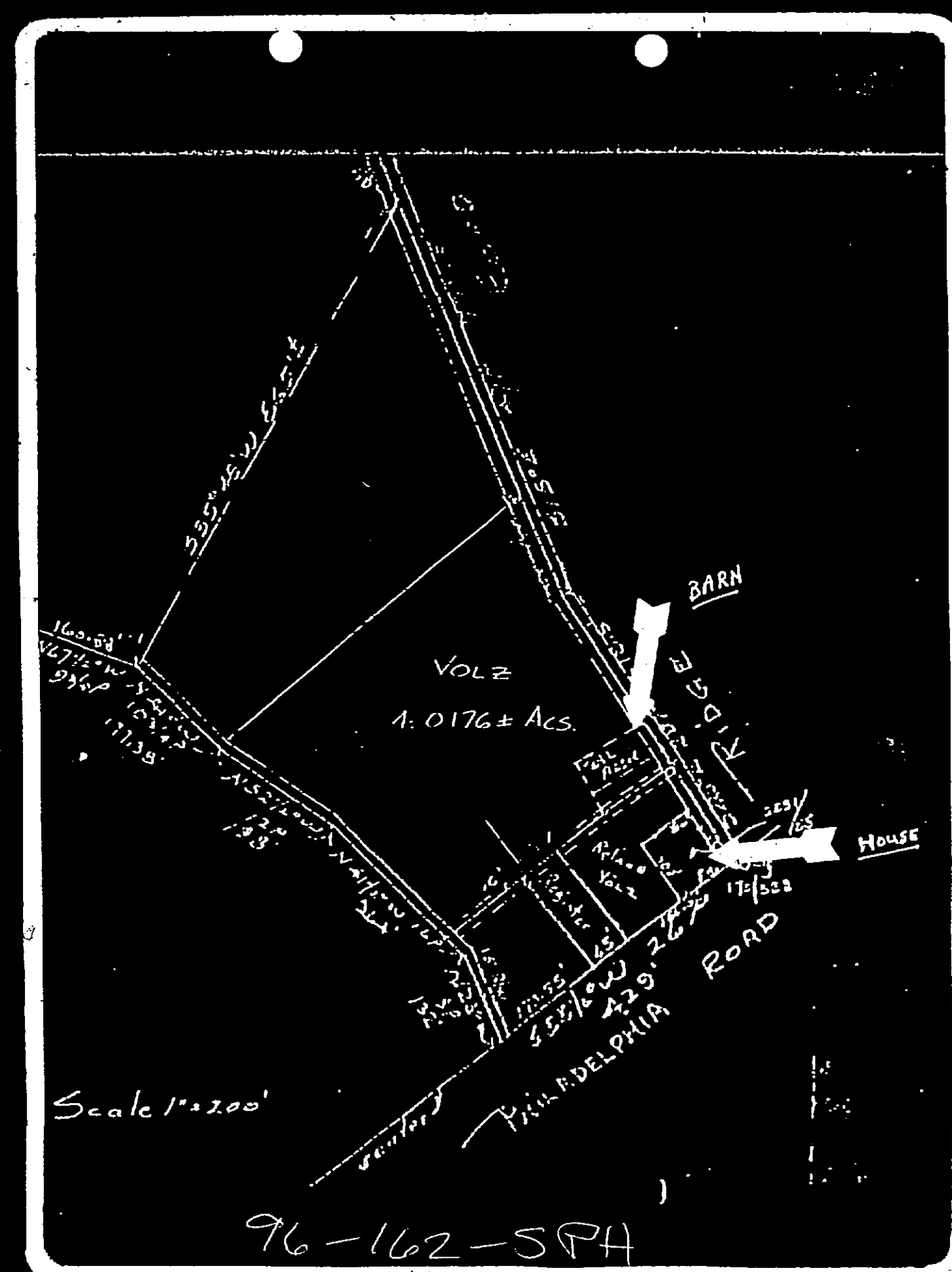
WHEREAS by the last Will and Testament of John C. Volz, late of Baltimore County deceased, duly admitted to probate by the Orphans Court of Baltimore County, the land and premises hereinafter described being a part of that devised by the said John C. Volz to the said Roland J.L.Volz and Henry M. Volz as tenants in common; and whereas the parties hereto desire to divide the same so that each may hold his portion in severalty, these presents are executed.

THEREFORE THIS DEED WITNESSETH, that in consideration of the sum of Five Dollars and the execution of a deed by the said Henry M. Volz of his undivided interest in and to the rest of the said land, the said Roland J.L.Volz, single, does hereby grant and convey unto the said Henry M. Volz his heirs and assigns, subject to a life estate in and to said property reserved unto their mother Amelia H.R.Volz by the said last Will and Testament of the said John C. Volz all of that land which by the said last Will and Testament of John C. Volz deceased, was devised unto the said Roland J.L.Volz and Henry Volz as tenants in common; saving and excepting that portion of the same which by deed of even date herewith was conveyed by the said Henry M. Volz and wife to the said Roland J.L.Volz as his portion of the whole.

TOGETHER with the buildings and improvements thereon, and all and every the rights, ways, waters, privileges and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said land and premises hereby granted unto the said Henry M. Volz his heirs and assigns forever in fee simple; subject however to the life estate in the said Amelia H.R.Volz hereinbefore mentioned.

AND the said Roland J.L.Volz does hereby covenant that he will



Plat Map

158

